IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Bail Appl..No. 2891 of 2007()

C.R.NO.5/2007 OF PALA EXCISE RANGE

PETITIONER/2ND ACCUSED: :

SIVADASA.P.K., AGED 46 YEARS,
PALARA HOUSE, EZHACHERY P.O.,
KOTTAYAM DISTRICT.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No.2891 of 2007

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DATED: 06-06-2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the second accused in C.R. No.5/2007 of Pala Excise Range for offences punishable under sections 55(a) and 58 of the Abkari Act for allegedly having been found in possession of 167.250 litres of Indian made foreign liquor seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the

same day on which it is filed, bearing in mind the decisions in **Sukumari v. State of Kerala (2001 (1) KLT 22), Sabu v State of Kerala (2003(2) KLT 173 and Mohanan v State of Kerala (2007(1) KHC 752.**

With the above observation this Application is disposed of.

V.RAMKUMAR,
JUDGE.

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